

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Starellen Carter,

Plaintiff,

v.

Case No. 18-13326

City of Inkster, 22<sup>nd</sup> District Court,

Sean F. Cox

United States District Court Judge

Defendants.

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**ORDER GRANTING**  
**DEFENDANTS' UNOPPOSED MOTION TO DISMISS**

Acting *pro se*, Plaintiff Starellen Carter (“Carter”) filed this action on October 24, 2018, along with an application to proceed *in forma pauperis*.

Indigent litigants may request a waiver of filing fees under 28 U.S.C. § 1915. This Court granted Carter’s application to proceed *in forma pauperis* in an order issued on November 8, 2019. Because Carter is proceeding *in forma pauperis*, the applicable statute requires this Court to dismiss this case, at any time, if it fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(b)(2) (“the court shall dismiss the case at any time if the court determines that” the action “fails to state a claim on which relief may be granted.”).

In addition, on March 4, 2019, Defendants filed a Motion to Dismiss (ECF No. 11), wherein they ask this Court to dismiss this action with prejudice and award Defendants costs and reasonable attorney’s fees incurred in having to defend this case.

After Carter failed to file any response to that motion within the time permitted for doing so under the Local Rules, this Court issued an “Order To Show Cause Why Unopposed Motion

To Dismiss Should Not Be Granted” on March 29, 2019. (ECF No. 13). In that Order, this Court ordered Carter to show cause, in writing, no later than April 15, 2019, why the unopposed Motion to Dismiss should not be granted. This Court also expressly cautioned Carter that “failure to comply with this order may result in this action being dismissed with prejudice.” (*Id.*).

Nevertheless, Carter has not filed any response to the pending motion or responded to this Court’s Show Cause Order. Moreover, after reviewing Defendants’ Motion to Dismiss, the Court concludes that it has merit.

This Court agrees that, to the extent that Carter complains of injuries caused by the judgments or orders issued in the state court, those claims are barred by the *Rooker-Feldman* doctrine. *See Brent v. Wayne Cty. Dep’t of Human Servs.*, 901 F.3d 656, 674 (6th Cir. 2018) (*Rooker-Feldman* doctrine precludes federal district courts from hearing cases brought by state-court losers complaining of injuries caused by state-court judgments).

To the extent that Carter is attempting to plead claims that are not based upon injuries caused by state-court judgements or orders, the Court concludes that she has failed to plead a cognizable federal claim in her *pro se* complaint. Although this Court is mindful that *pro se* complaints must be liberally construed, the Court concludes that even when so construed, Plaintiffs’ complaint fails to state a federal claim upon which relief may be granted. And despite this Court’s efforts to allow Carter the opportunity to clarify what her claims are and respond to the arguments in the pending motion, she declined that opportunity.

Accordingly, **IT IS ORDERED** that this action is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915, Fed. R. Civ. P. 12(b)(1), and Fed. R. Civ. P. 12(b)(6).

**IT IS SO ORDERED.**

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: May 17, 2019